IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CRIMINAL NO. 08-0052-CG
	)	(Civil Action No. 09-00502-CG-N)
JAMES ALBERT DAVIS,	)	
	)	
Defendant.	)	

ORDER

This action is before the Court on a motion (doc. 36) filed by James Albert Davis

"to correct the record . . . and order the clerk to move all of the documents filed on or

after August 1, 2009, . . .to Civil Case Docket #09-00502-CG." Davis essentially asserts

that, because his motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255

(Doc. 28) is "a separate proceeding independant [sic] of the original criminal case," all

documents filed in relation to the § 2255 motion should be contained in an entirely

separate record in which he is referred to as the "plaintiff" and the United States is

referred to as the "defendant-respondent." Davis misunderstands the procedures

applicable to § 2255 motions and the docketing procedures in this Court. His § 2255

motion has been given a civil action number, namely Civil Action No. 09-00502-CG-N.

However, the criminal case and civil action are and will remain consolidated for record

keeping purposes because the essence of the § 2255 motion is to vacate, set aside or

correct the sentence imposed on Davis in the criminal case. The Court does not maintain

separate files for any § 2255 motion filed in any criminal case arising in this Court.

Consequently, it is **ORDERED** that Davis's motion to correct the record is hereby

DENIED.

Davis is reminded that, if he desired to reply to the Response filed by the United States on December 8, 2009 (doc. 35) in opposition to Davis's § 2255 motion, such reply must be filed with the Court by **no later than January 8, 2010**, at which time defendant's § 2255 motion will be taken under submission.

Done this 22nd day of December, 2009.

/s/ Katherine P. Nelson
KATHERINE P. NELSON
UNITED STATES MAGISTRATE JUDGE